

RIGHTS TO A HEARING

If you do not agree with the decision on the notice, you may request a hearing before the North Dakota Department of Human Services. Contact your Human Service Zone Office (formally known as County Social Service Office) for instructions on how to request a hearing.

- Health Care Coverage requests may be made in writing, over the telephone, internet, mail, in-person or through other commonly available electronic means within 30 days from the mail date on the notice of action. Provided however, that if Medicaid benefits are administered through a Managed Care Organization, a request may be made within 30 days from the mail date on the notice.
- Supplemental Nutrition Assistance Program (SNAP) requests must be made verbally or in writing within 90 days of the notice date.
- Temporary Assistance for Needy Families (TANF), Child Care Assistance Program (CCAP), Low Income Home Energy Assistance Program (LIHEAP) or Basic Care Assistance Program requests must be made in writing within 30 days of the notice date.

If you request a hearing prior to the effective date of the action described on the notice for Health Care Coverage, within 10 days of the notice date for CCAP, TANF, or SNAP, or within 30 days of the notice date for LIHEAP, the action described on the notice will not be taken and benefits will continue at their current level until the hearing decision is made unless:

- You requested an exemption from the TANF lifetime limit.
- You withdraw your hearing request.
- You fail to appear at your scheduled hearing.
- Your review period ends. You have the right to reapply.
- The hearing official makes a decision in writing before or at the hearing that your benefits were computed correctly based on federal or state law or policy.
- You report a new change that affects your case while a hearing decision is pending, and you do not appeal the new change.
- A mass program change affecting your case occurs while a hearing decision is pending.
- You waive your right to continue to receive benefits at this level.

If the hearing decision is not in your favor, the additional benefits issued to you or on your behalf during the appeal are subject to recovery.

You can have an attorney, relative, friend or any other person assist you with your hearing. If you do not have the money to pay an attorney, you can contact one of the free legal service organizations to see if they can assist you. You should contact them as soon as possible. The North Dakota Department of Human Services or contact your Human Service Zone Office (formally known as County Social Service Office) can provide you with a list of Legal Aid organizations.

A Hearing officer will contact you to arrange a time and place for the hearing. You will receive a written decision from the North Dakota Department of Human Services.

RESPONSIBILITY TO REPORT CHANGES FOR HEALTH CARE COVERAGE AND TANF

Under penalty of law, it is your responsibility to report any change that could affect your eligibility for, or the amount of, the benefits you receive. Changes that could affect your eligibility or benefit amount include changes in income, assets, address, living arrangement the number of persons living in the home, the return of a husband/wife or parent, a change in Federal income tax filing status, a change in insurance coverage, etc. For Health Care Coverage changes must be reported within ten (10) days and for TANF changes must be reported within five (5) days. Changes are reported online or contact your Human Service Zone Office (formally known as County Social Service Office) that handles your case. You may report a change verbally, in writing, or by completing the Change Report or Monthly Report Form.

ESTATE RECOVERY FOR MEDICAID

State and Federal law requires the North Dakota Department of Human Services to make claims against the estate of some Medicaid recipients. A claim will be made against the estate of: (1) any recipient who was age 55 or older when the Medicaid benefits were provided; (2) any recipient who has been permanently institutionalized and received services regardless of age; or (3) against the estate of a spouse of any Medicaid recipient who was age 55 or older or permanently institutionalized when the Medicaid benefits were paid. The claim is for the amount of Medicaid benefits issued to a person age 55 or older or if permanently institutionalized. Effective August 1, 2015, the North Dakota Department of Human Services CANNOT file a claim against the estate to recover payments made on behalf of recipients who received coverage, excluding pharmaceutical coverage, through a private carrier. Pharmaceutical benefits provided by the North Dakota Department of Human Services are subject to Medicaid estate recovery. Individuals eligible under the Medicaid Expansion coverage receive their coverage through a private carrier.